

Instructions for Categorical Exemption/Exclusion and Programmatic Categorical Exclusion Form

This form shall be used to document CEQA Categorical Exemptions (CEs) and NEPA Categorical Exclusions (CEs), including Programmatic CE (PCEs), for projects on the State Highway System as well as to document CE and PCEs for federal-aid projects on local streets and roads.

CEQA COMPLIANCE

Local agencies are not required to complete the CEQA COMPLIANCE or CALTRANS CEQA DETERMINATION portions of this form.

For State Projects:

Include the project's District/County/Route, Kilometer Post and Post Mile information, and the Expenditure Authorization. The project description should be brief but include the information noted in the parentheses. An additional sheet may be attached to the form if necessary.

If the project is exempt from CEQA by statute (See Public Resources Code Section 21080), check the "Exempt by Statute" box in the CALTRANS CEQA DETERMINATION box as documentation.

The conditions listed under CEQA COMPLIANCE are declarations of fact. To be categorically exempt, the project must meet all of the listed conditions. Indicate the CE Class number from the CEQA Guidelines or the general rule exemption [Title 14 CCR 15061(b)(3)]. The Environmental Office Chief's and Project Manager's signatures in the CEQA Determination box attest that the project meets all of the conditions and is properly classified as a Categorical Exemption.

CEQA does not allow mitigation of significant impacts under a Categorical Exemption. If the project requires mitigation to reduce a significant environmental impact below the level of significance, a Mitigated Negative Declaration must be prepared for CEQA compliance. Project features or design conditions, however, may be incorporated into the project to ensure that the requirements of a Categorical Exemption are satisfied. Any such project features or design conditions must be included in the description of the project.

If there is no federal involvement in the project, write "not applicable" in the CALTRANS NEPA DETERMINATION box.

NEPA COMPLIANCE

For All Projects with Federal Involvement:

Compliance with NEPA is required whenever there is federal involvement in the project. Federal involvement may include funding, any type of approvals or permits, or changes in access control or connection to the Interstate system. The following represents the distinction between Categorical Exclusions (CEs) and Programmatic Categorical Exclusions (PCEs). Documentation to support a CE or PCE determination shall be attached to the CE/PCE form as described below and retained in the project file for a minimum of three years and shall be available for periodic FHWA process reviews.

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Categorical Exclusions (CEs)

State and local agency projects must meet all five declarations of fact listed under NEPA COMPLIANCE on the CE form.

- The Environmental Office Chief (or designee) checks the Categorical Exclusion (CE) box in the CALTRANS NEPA DETERMINATION box.
- The Environmental Office Chief (or designee) and Project Manager (the District Local Assistance Engineer for local projects off the state highway system) sign and date the CALTRANS NEPA DETERMINATION box to confirm that the project meets the conditions of a CE.
- The FHWA Project Development Engineer signs and dates in the FHWA DETERMINATION space, validating that the action will not individually or cumulatively have a significant effect and is excluded from the requirement to prepare an EA or EIS.

Programmatic Categorical Exclusions (PCEs)

State and local agency projects must meet all five conditions listed under NEPA COMPLIANCE and all conditions included in the November 18, 2003 Programmatic Categorical Exclusion (PCE) agreement.

For Local Agency Projects (off the State Highway System)

- For local agency projects OFF the State Highway System, the District Local Assistance Engineer (DLAE) and the District/Region Environmental Office Chief make a determination (consistent with the PCE Agreement), that the Preliminary Environmental Study (PES) form is complete and sufficient and that the project has met all CE criteria and all the conditions of the November 18, 2003 Programmatic CE agreement. The DLAE and the District/Region Environmental Office Chief both sign the PES form.
- For projects that meet all the criteria as a CE under 23 CFR 771.117(c), the DLAE checks the Programmatic Categorical Exclusion (PCE) box in the CALTRANS NEPA DETERMINATION box, and signs and dates the CALTRANS NEPA DETERMINATION box.
- For projects that meet all the criteria as a CE under 23 CFR 771.117(d), the Environmental Office Chief (or designee) reviews the documentation and signs and dates the CALTRANS NEPA DETERMINATION box.
- The FHWA Project Development Engineer does not sign the PCE.

Projects on the State Highway System:

- The Environmental Office Chief makes the determination that the project has met all CE criteria and all the conditions of the November 18, 2003 Programmatic CE agreement and checks the Programmatic Categorical Exclusion (PCE) box in the CALTRANS NEPA DETERMINATION box.
- The Environmental Office Chief and Caltrans Project Manager sign and date the

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CALTRANS NEPA DETERMINATION box.

- The FHWA Project Development Engineer does not sign the PCE.

Additional Supporting Documentation for CEs and PCEs

Documentation of compliance with other laws or requirements may be necessary to support a Categorical Exemption or Programmatic Categorical Exclusion. Certain items shall be attached to the CE/PCE form and others may simply be summarized¹ as follows:

Attachments:

- Pursuant to Executive Order 11998 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), a Floodplain Finding or Wetlands Finding, respectively, may be required and, if so, shall be attached to the CE/PCE form.
- A NEPA Categorical Exclusion determination may include commitments to measures to avoid or reduce impacts or design conditions. If commitments to such measures are made in compliance with NEPA or related laws or requirements, a complete list shall be attached to the CE/PCE form.

Information summarized and attached:

- Documentation of compliance with Section 106 of the National Historic Preservation Act is required if historic resources, as defined in 36 CFR 800.2(e), are involved in the project. If so, attach a brief statement of the conclusion of Section 106 consultation.
- Under the Clean Air Act of 1990, projects in non-attainment and maintenance areas for transportation-related pollutants that are not exempt from Conformity Analysis under 40 CFR 93.126 or Regional Emissions Analysis Requirements under 40 CFR 93.127 require a project level Air Quality study. If an Air Quality study was required, attach a summary of its conclusions.
- If the project involves Waters of the United States, as defined in the Clean Water Act of 1977 (33 USC 1251-1376), and meets the requirements of a Section 404 Nationwide Permit, indicate which permit applies.
- For State Highway System projects, if the project involves Waters of the United States, as defined in the Clean Water Act, and requires an individual permit, attach a summary of the conclusions of coordination with the Army Corps of Engineers pursuant to the Memorandum of Understanding for the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in effect. .
- Documentation of compliance with the Endangered Species Act may also be required. If so, attach a summary of the conclusions of the ESA consultation.
- A Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation may be required

¹ The full study(s) shall be retained in the project file for a minimum of three years.

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when the project has the potential to “use” land from a publicly-owned public park, recreation area or wildlife or waterfowl refuge, or from a historic site, as defined in 49 USC 303 and 23 CFR 771.135. The Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation must be approved by FHWA prior to the CE or PCE determination. If a Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation was required, attach a summary of its conclusion.